



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. BJ 2008 - 99

HURRICANE IKE OYSTER LEASE INSPECTION

- WHEREAS,** high winds and storm surges associated with Hurricane Ike prompted the Department of Health and Hospitals to extend a September 2, 2008, Hurricane Gustav precautionary closure of molluscan shellfish growing areas 1 through 28 until such time as it could determine no health dangers exist in those areas;
- WHEREAS,** the Department of Wildlife and Fisheries continues to conduct dredge sampling on public reefs in portions of those molluscan shellfish growing areas, and has found silt and vegetative overburden present;
- WHEREAS,** the Department of Health and Hospitals has not reopened molluscan shellfish growing areas at this time;
- WHEREAS,** the oyster industry is important to the culture and economy of the state of Louisiana, and silt and vegetative overburden potentially may cause widespread mortality within oyster populations; and
- WHEREAS,** the best interests of the citizens of the state of Louisiana are served by allowing oyster lessees with leases located in molluscan shellfish growing areas 1 through 28 which remain closed at this time, pursuant to the precautionary closure ordered by the Department of Health and Hospitals on September 2, 2008, a one (1) day damage inspection period to inspect for silt and vegetative overburden on their oyster leases;

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:** Pursuant to R.S. 29:724 and notwithstanding any other provision of state law, regulation, and/or precautionary closure order, an oyster lessee and/or a licensed oyster harvester having written permission from the oyster lessee, of an oyster lease located in molluscan shellfish growing areas 1 through 28 which remains subject to precautionary closure at this time by order of the Department of Health and Hospitals dated September 2, 2008, (hereafter "oyster lease holder") shall be allowed to conduct oyster lease damage inspection activities on such oyster leases on Thursday, September 18, 2008, under the following conditions and in accordance with the following procedures:
- A. No vessel used by an oyster lease holder for oyster lease damage inspection activities shall have on board or use more than one (1) statutorily authorized dredge;
 - B. No vessel used by an oyster lease holder for oyster lease damage inspection activities shall have any sacks or containers on board;
 - C. A vessel used by an oyster lease holder for oyster lease damage inspection activities may have on board not more than a standard measurement of one (1) barrel of oysters as described in R.S. 56:440. All oysters must be returned to the water prior to the vessel departing the oyster lease;
 - D. Under no circumstances shall an oyster lease holder and/or the vessel of an oyster lease holder remove or transport any oyster or oysters to or from an oyster lease located in a molluscan shellfish growing area closed on Thursday, September 18, 2008, pursuant to precautionary closures ordered on September 2, 2008;

- E. An oyster lease holder may conduct oyster lease damage inspection activities pursuant to this Order only between 7:00 a.m. and 5:00 p.m. on Thursday, September 18, 2008; and
- F. For oyster lease damage inspection activities to be conducted on an oyster lease by any person other than the oyster lessee, the person shall have on board the vessel the written permission of the oyster lessee authorizing the oyster lease damage inspection activities on the oyster lease.

SECTION 2: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Departments of Health and Hospitals and Wildlife and Fisheries in implementing the provisions of this Order.

SECTION 3: This Order is effective upon signature and, unless rescinded sooner, shall expire at 5:00 p.m. on Thursday, September 18, 2008.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 16th day of September, 2008.

/S/ Bobby Jindal
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Jay Dardenne
SECRETARY OF STATE